

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

AL EVERITT BOYETT, JR.

*

Plaintiff,

*

v.

* CIVIL ACTION NO. 2:05-CV-966-D

ANTHONY CLARK, SHERIFF, *et al.*,

*

Defendants.

*

ORDER

It appears that service has not been perfected on Defendant McWhorter. If a person has not been served, he or she is not a party to this lawsuit except in very unusual circumstances. Consequently, in order to maintain litigation against Defendant McWhorter, Plaintiff must furnish the clerk's office with a correct address for this individual. Accordingly, it is

ORDERED that:

1. On or before November 8, 2005 Plaintiff shall furnish the clerk's office with the correct address for Defendant McWhorter. Plaintiff is advised that the court will not continue to monitor this case to ensure that the defendant he wishes to sue has been served. This is Plaintiff's responsibility;

2. Plaintiff is cautioned that if he fails to comply with this order, Defendant McWhorter will not be served, he will not be a party to this cause of action, and this case

will proceed only against those defendants on whom service is perfected. *See* Rule 4(m), *Federal Rules of Civil Procedure*.

Done this 26th day of October, 2005.

/s/Charles S. Coody
CHARLES S. COODY
CHIEF UNITED STATES MAGISTRATE JUDGE